

**ASSEMBLY BILL**

**No. 1161**

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**Introduced by Assembly Member Buchanan**

February 27, 2009

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An act to amend Section 19635 of the Government Code, relating to state employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 1161, as introduced, Buchanan. State employment: adverse actions.

The California Civil Service Act authorizes an appointing power to take adverse action against an employee for specified causes for discipline and establishes administrative procedures for review of an adverse action by the State Personnel Board. The act requires an adverse action against a state employee to commence within 3 years of the cause for discipline, as specified.

This bill would require an adverse action against a state managerial employee, state confidential employee, or state supervisory employee, as defined, to commence within one year of the discovery of the cause for discipline. The bill would also require the notice of the adverse action against those employees based on fraud, embezzlement, or the falsification of records to be served within 3 years after the discovery of the fraud, embezzlement, or falsification.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 19635 of the Government Code is amended to read:

19635. (a) No adverse action shall be valid against any state employee for any cause for discipline based on any civil service law of this state, unless notice of the adverse action is served within three years after the cause for discipline, upon which the notice is based, first arose. Adverse action based on fraud, embezzlement, or the falsification of records shall be valid, if notice of the adverse action is served within three years after the discovery of the fraud, embezzlement, or falsification.

(b) *Notwithstanding subdivision (a), no adverse action shall be valid against any state managerial employee, state confidential employee, or state supervisory employee, as defined in subdivisions (e), (f), and (g) of Section 3513, for any cause for discipline based on any civil service law of this state, unless notice of the adverse action is served within one year after the cause for discipline, upon which the notice is based, is discovered. Adverse action against those employees based on fraud, embezzlement, or the falsification of records shall be valid, if notice of the adverse action is served within three years after the discovery of the fraud, embezzlement, or falsification.*